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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,858	01/16/2004	Rhonda L. Childress	AUS920030941US1	6566

35525 7590 06/18/2007  
IBM CORP (YA)  
C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER
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HO, ANDY

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/758,858

Applicant(s)

CHILDRRESS ET AL.

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the application filed 1/16/2004.
2. Claims 1-21 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer readable medium having instructions thereon which when executed perform the steps of the methods of the claims would normally be considered statutory. However, the specification defines "computer readable medium" as including non-statutory media such as transmission media (Specification, lines 3-9 page 21) which is incapable of being touched or perceived absent the statutory medium through which they are conveyed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by MacGregor U.S Publication No. 2005/0102382.

**As to claim 1**, MacGregor teaches a method for translating system events for system management (Fig. 2), the method comprising:

receiving at a gateway in a network data processing system an event (receiving events from devices 61, 63 and 69 at 81, 83 and 89, Fig. 2) in a native event management form (management protocols of the network element, paragraph 0008 page 1);

translating the event into a new format (converts the management protocols of the network element into a single format, paragraph 0008 page 1); and

correlating the event in the new format (correlation of networks events, paragraph 0008 page 1) to determine whether a system management action should be performed (troubleshooting for the network element based on the events, paragraph 0023 page 2).

**As to claim 2**, MacGregor further teaches the new format is a neutral event format (converts the management protocols of the network element into a single format, paragraph 0008 page 1).

**As to claim 3**, MacGregor further teaches the new format is a specific event management format (converts the management protocols of the network element into a single format, paragraph 0008 page 1).

**As to claim 4**, MacGregor further teaches wherein the event is translated to a plurality of event management system formats (stored event data are formatted for different audiences, paragraph 0023 page 2) and the translated events are correlated at remote system management data processing systems (combination of server 55 and cells 81, 83 and 89, Fig. 2) to determine whether system management events should be performed (troubleshooting for the network element based on the events, paragraph 0023 page 2).

**As to claim 5**, MacGregor further teaches the event is received from an endpoint (receiving events from devices 61, 63 and 69, Fig. 2).

**As to claim 6**, MacGregor further teaches the endpoint is one of a server data processing system, a router...(server 63, router 69, Fig. 2).

**As to claim 7**, MacGregor further teaches the event is to be sent to a remote event management system (forwarding events to server 55, Fig. 2 and associated specification) and wherein the translating step comprises:

translating the event from the native event management form to a neutral form (converts the management protocols of the network element into a single format, paragraph 0008 page 1);

translating the event into a format (converts the management protocols of the network element into a single format, paragraph 0008 page 1) for use by the remote event management system (troubleshooting for the network element based on the events, paragraph 0023 page 2); and

forwarding the event to the remote event management system (forwarding events to server 55, Fig. 2 and associated specification).

**As to claim 8**, MacGregor further teaches the correlating step uses a state table (the operating state of components, paragraph 0004 page 1; stored in tables, paragraph 0048 page 4).

**As to claim 9**, it is a system claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. MacGregor further teaches a bus system and a communication unit (bus and communication components of Fig. 2). MacGregor further teaches a server that handle events (server 55, Fig. 2 and associated specification); however, MacGregor does not explicitly teach a memory and a processing unit. "Official Notice" is taken that both the concept and advantage of providing for a memory and a processing unit in a server is well known and expected in the art. It would have been obvious to include a memory and a processing unit into the system of MacGregor because these components are required for a server to work properly as well known in the art.

**As to claims 10-16**, they are system claims of claims 1-7, respectively. Therefore, they are rejected for the same reasons as claims 1-7 above.

**As to claims 17-21**, they are computer program product claims of claims 1-5, respectively. Therefore, they are rejected for the same reasons as claims 1-5 above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

Art Unit: 2194

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 - 3762

A.H

June 8, 2007

A handwritten signature in black ink, appearing to read "Andy H.", with a long, sweeping horizontal line extending to the right.